

From: [Burke, Gerard \(DEC\)](#)
To: [Haklar, James](#); [Chiusano, David \(DEC\)](#)
Cc: [Brown, Janet E \(DEC\)](#); [Post, Charles H \(DEC\)](#); [Conden, Robert](#); [Conetta, Benny](#); [Ottaway, William \(DEC\)](#)
Subject: RE: Empire Electric Site No 224015
Date: Tuesday, November 07, 2017 12:25:20 PM
Attachments: [image001.png](#)
[image002.png](#)

Hi Jim,

Thank you for your guidance.

To complete the IRM, it is currently expected to excavate the PCB contaminated soils below the basement slab to the water table in all areas that it is feasibly possible. However, due to large structures/pillars within the building footprint, it may be impossible to excavate all soils impacted above the water table without undermining these structures. Post-excavation sidewall sampling will determine what remains at the site above the water table when the work is complete.

Your approach to complete the RI/FS before submitting a risk based final self-implementation plan is a prudent approach and will allow us to complete the IRM in a timely manner. DER will coordinate with the EPA during the RI/FS work.

Thank you for your input. Do you want the Final Engineering Report for the IRM to be submitted to the EPA for this work? Or would a letter informing the EPA of completion of the IRM sufficient?

Thank you.



Gerard Burke, P.E.

Director, Remedial Bureau B,

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From: Haklar, James [mailto:Haklar.James@epa.gov]

Sent: Tuesday, November 07, 2017 10:26 AM

To: Chiusano, David (DEC) <david.chiusano@dec.ny.gov>

Cc: Burke, Gerard (DEC) <gerard.burke@dec.ny.gov>; Brown, Janet E (DEC) <janet.brown@dec.ny.gov>; Post, Charles H (DEC) <charles.post@dec.ny.gov>; Conden, Robert <rconden@eaest.com>; Conetta, Benny <Conetta.Benny@epa.gov>; Ottaway, William (DEC) <william.ottaway@dec.ny.gov>

Subject: RE: Empire Electric Site No 224015

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David,

I apologize for the delay in replying to your message.

I'm still unclear as to the levels of PCBs that will remain in the soil after the current excavation activities are completed. In any event, since it appears that the NYCDEC will leave PCBs above the self-implementing cleanup levels of 40 CFR 761.61(a), and also since groundwater remains contaminated with PCBs above the TSCA unrestricted use level of 0.5 parts per billion, the only way to address this site to be in compliance with TSCA is to apply for, and hopefully receive

from EPA, a risk-based PCB cleanup and disposal approval. Since the NYSDEC plans on implementing a remedial investigation/feasibility study (RI/FS), I would recommend that the NYSDEC wait until the RI/FS is completed before submitting the application. Furthermore, this appears to be one of those sites where (I believe) EPA and the NYSDEC should be coordinating well in advance of any Record of Decision.

Sincerely yours,

Jim Haklar

James S. Haklar, Ph.D.

Sr. PCB Disposal Specialist

Division of Enforcement and Compliance Assistance

(732) 906-6817

From: Chiusano, David (DEC) [<mailto:david.chiusano@dec.ny.gov>]

Sent: Friday, October 20, 2017 2:38 PM

To: Haklar, James <Haklar.James@epa.gov>; Mannino, Pietro <Mannino.Pietro@epa.gov>; magriples.nicholas@epa.gov

Cc: Burke, Gerard (DEC) <gerard.burke@dec.ny.gov>; Brown, Janet E (DEC) <janet.brown@dec.ny.gov>; Post, Charles H (DEC) <charles.post@dec.ny.gov>; Conden, Robert <rconden@eaest.com>; Conan, Donald <dconan@eaest.com>; vwb13@aol.com

Subject: Empire Electric Site No 224015

James Haklar

Pietro Mannino

Nicholas Magriples,

Gentlemen,

The NYSDEC is notifying the EPA that the focused removal action, initially discussed during our August 17, 2017 onsite meeting, is scheduled to commence next week. As such, the NYSDEC would like to extend an open invitation to the EPA to observe these activities. Site visits can be coordinated through NYSDEC's onsite construction representative, Mr. Vince Barber, (717) 801-8297. Please note, we currently expect the focused excavation to be complete within approximately three weeks and will commence backfilling immediately thereafter.

The current plan remains consistent with the details covered during our meeting. In summary, the excavation area is anticipated to be approximately 30 ft wide, by 90 ft long by 6 – 8 ft deep. The excavation work will be performed by Environmental Assessment & Remediations, Patchogue, NY under contract with the NYSDEC. Transportation and disposal of the impacted soil will be performed under the existing Empire Electric IRM, NYSDEC Contract D007630, by PAL Environmental Services, Long Island City NY. A figure depicting the extent of the removal action area is included as Attachment 1 to this email. Since the date of our onsite meeting, the NYSDEC has characterized the soil for disposal. Based on the analytical results, the soil is being treated as a TSCA waste, and will be disposed of at the US Ecology/Wayne Disposal, Inc. landfill in Bellville, MI. During the 8/17/17 onsite meeting, EPA requested updated groundwater data and a vertical profile of the extent of soil contamination in/around the trapezoid area where the PCB concentrations were recently determined to be highest. The NYSDEC has completed these tasks as requested, and have attached plan and cross-section figures as Attachments 2 & 3. Figures depicting historical and current groundwater contaminant concentrations are included as Attachments 4 & 5.

Based on this investigation, NYSDEC has documented a PCB concentration of 5,500 ppm in soils

within the groundwater table, at a depth of 24- ft below the former basement slab, which is approximately 36-ft below the sidewalk elevation. It is clear from this data that a substantial amount of PCB impacted soil, at concentrations above cleanup objectives and immersed deep within the groundwater table, will remain after the removal action due to physical constraints at the site. Moreover, the NYSDEC does not intend to collect excavation “end point” grab samples from the bottom of the excavation taking into account the presence of groundwater and worker safety that may hinder the collection of one or more of these samples. To the extent practicable, up to 8 excavation side wall documentation samples will be collected; with a goal of one (1) each from the 30ft long sides, and three (3) each from the 90ft long sides. Upon completion of excavation activities, NYSDEC intends to backfill the excavation to the elevation of the former basement slab and place a 6 inch thick layer of concrete cap in accordance with 761..61(a)(7) . Above the cap, general fill will be placed to surface elevation, and asphalt pavement will be installed at the surface. While the filing of an Environmental Easement on the parcel is inevitable, the NYSDEC will be implementing a remedial investigation/feasibility study starting this fall to fully assess the nature and extent of site contamination, including the deeper contamination recently identified within the groundwater table, and evaluate remedial options.

Please advise as soon as possible, regarding any comments on and/or approval of our above approach, as well as next steps to enable our close-out of this removal action (i.e., revision to our previous self-implementing amendment, etc). We would be happy to set up a conference call to discuss these matters. Thank you for your time and attention.

Attachments:

Attachment 1 – Figure depicting location of removal action

Attachment 2 – Plan View of Subsurface PCB impacts

Attachment 3 – Cross-section of Subsurface PCB impacts

Attachment 4 – Figure depicting 2009 groundwater contaminant concentrations

Attachment 5 – Figure depicting current groundwater contaminant concentrations

David J. Chiusano

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